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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 GERALD SPENCE,

11 Plaintiff,

No. CIV 03-2442 LKK DAD P

12 vs.

13 M.D. McDONALD, et al.,

14 Defendants.

ORDER

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16 On February 9, 2007, defendants filed a motion for summary judgment pursuant  
17 to Federal Rule of Civil Procedure 56. Plaintiff has not opposed the motion.

18 Local Rule 78-230(m) provides in part: "Failure of the responding party to file  
19 written opposition or to file a statement of no opposition may be deemed a waiver of any  
20 opposition to the granting of the motion . . . ." On April 20, 2004, plaintiff was advised of the  
21 requirements for filing an opposition to the motion and that failure to oppose such a motion may  
22 be deemed a waiver of opposition to the motion.

23 Local Rule 11-110 provides that failure to comply with the Local Rules "may be  
24 grounds for imposition of any and all sanctions authorized by statute or Rule or within the  
25 inherent power of the Court." In the order filed April 20, 2004, plaintiff was advised that failure  
26 to comply with the Local Rules may result in a recommendation that the action be dismissed.

1 Good cause appearing, IT IS HEREBY ORDERED that, within thirty days of the  
2 date of this order, plaintiff shall file an opposition, if any, to the defendants' motion for summary  
3 judgment. Failure to file an opposition will be deemed as a statement of non-opposition and  
4 shall result in a recommendation that this action be dismissed pursuant Federal Rule of Civil  
5 Procedure 41(b).

6 DATED: April 11, 2007.

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9 DALE A. DROZD  
10 UNITED STATES MAGISTRATE JUDGE

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